

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO.10277 OF 2006

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Dated: 25-05-2006

Between:

T.Lingana ... Petitioner

And

The Collector (Panchayat Wing)

Kurnool and another ... Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO.10277 OF 2006

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ORDER:

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Petitioner was elected as Sarpanch of Bavipalli Gram Panchayat, Peapulli Mandal, Kurnool District. The Collector (Panchayat Wing), the first respondent, issued a show cause notice, dated 29-07-2005, to the petitioner directing him to show cause as to why suitable action should not be taken against him for selling 6.50 cents of land in Sy.No.608, belonging to the Gram Panchayat, without obtaining permission from the higher authorities. The petitioner submitted an explanation on 10-08-2005. He stated that the said land was found not suitable for construction of Gram Panchayat building and on the basis of a resolution passed in the Gram Sabha, it was sold in a public auction and a more suitable and appropriate property was purchased with the said money and an Office of Gram Panchayat was constructed. Through proceedings, dated 28-03-2006, the first respondent placed the petitioner under suspension for a period of three months. The same is challenged in this writ petition.

Sri O.Manohar Reddy, learned counsel for the petitioner, submits that the site of 6.50 cents in Sy.No.608 was sold in pursuance of a resolution passed in the Gram Sabha, duly following the procedure, that too, in a public auction. He contends that the copy of the resolution was forwarded to the higher authorities and at every stage the proceedings were forwarded to them. He submits that the present action is motivated and cannot be sustained in law.

Learned Government Pleader for Panchayat Raj, on the other hand, submits that no property of Gram Panchayat can be sold except with the prior permission of the Collector and since a clear violation was noticed, the present action was taken.

The only allegation against the petitioner is that he sold a site of 6.50 cents without obtaining prior permission. The petitioner, categorically, stated that on 29-10-2003, a Gram Sabha was conducted and the villagers have unanimously resolved that the site in Sy.No.608 be sold and a suitable land in other survey numbers be acquired. The copy of the resolution, dated 12-01-2005, is said to have been forwarded to the respondents and other authorities. After selling the land for a consideration of Rs.22,000/-, another site by the side of an elementary school was acquired. The fact that the petitioner was the owner of the said site, hardly makes any difference. It was

not even alleged that the site purchased by the Gram Panchayat was not suitable or that any financial irregularity has been taken place. At any rate, the incident has taken place almost three years prior to the present proceedings. The suspension of the Sarpanch, at the fag end of his career, would have its own effect, particularly when there is not even an allegation as to any financial irregularity.

Hence, the writ petition is allowed and the impugned order is set aside. There shall be no order as to costs.

(L. NARASIMHA REDDY,J)

Dated 25th May, 2006

vrn/jsu